EXHIBIT 7

UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

COURT FILE) NO. 24-CV-3675 (ECT/LIB) DAVID G. DINGMANN and RANDALL D. HEBRINK, individually, and on behalf of all others similarly situated, Plaintiffs, VS. BASSFORD REMELE, P.A.; GUSTAFSON GLUEK, P.L.L.C.; SCHWEBEL GOETZ &) SIEBEN, P.A.; LOCKRIDGE GRINDAL NAUEN, P.L.L.P.; LEWIS A. REMELE, 1) JR.; DANIEL E. GUSTAFSON; and Courtroom 7D JOHN DOES 1-10, Tue., November 12, 2024) St. Paul, Minnesota Defendants. 9:00 A.M.

EXCERPT TRANSCRIPT FROM

HEARING ON PLAINTIFFS' AND DEFENDANTS' MOTIONS

BEFORE THE HONORABLE ERIC C. TOSTRUD UNITED STATES DISTRICT JUDGE

TIMOTHY J. WILLETTE, RDR, CRR, CRC

Official Court Reporter - United States District Court
Warren E. Burger Federal Building & U.S. Courthouse
316 North Robert Street - Suite 146
St. Paul, Minnesota 55101
651.848.1224

APPEARANCES:

For the Plaintiffs:

DOUGLAS J. NILL, P.L.L.C.

By: DOUGLAS J. NILL, ESQUIRE
150 South Fifth Street - Suite 1850

Minneapolis, Minnesota 55402

WEISENSELL, MASTRANTONIO & ORLANDO, LLP

By: JOHN CHARLES WEISENSELL, ESQUIRE

23 South Main Street - Suite 301

Akron, Ohio 44308

For defendant Bassford Remele, P.A., and Lewis A. Remele, June 1

LIND, JENSEN, SULLIVAN & PETERSON, P.A.

By: WILLIAM L. DAVIDSON, ESQUIRE

901 Marquette Avenue South

Suite 1900

Minneapolis, Minnesota 55402

For defendants Gustafson Gluek, PLLC, and Daniel Gustafson:

TAFT STETTINIUS & HOLLISTER, LLP

By: MICHAEL M. LAFEBER, ESQUIRE

2200 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402

For defendant Schwebel Goetz & Sieben, P.A.:

GORDON REES SCULLY MANSUKHANI, LLP

By: DAVID SCHOOLER, ESQUIRE

3850 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402

For defendant Lockridge Grindal Nauen, P.L.L.P.:

GORDON REES SCULLY MANSUKHANI, LLP

By: SUZANNE L. JONES, ESQUIRE

3850 IDS Center

80 South Eighth Street

Minneapolis, Minnesota 55402

(9:00 a.m.)

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IN OPEN COURT

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THE COURT: Good morning, everyone. Please be

This is David Dingmann and others versus Bassford Remele and others, Civil File Number 24-3675. Let me invite counsel at this time to note their appearances, starting with the plaintiffs.

MR. NILL: Douglas Nill representing the plaintiffs.

THE COURT: Good morning.

MR. WEISENSELL: John Weisensell, Your Honor, representing the plaintiffs.

THE COURT: Good morning.

MR. WEISENSELL: Good morning, Your Honor.

THE COURT: And who do we have here on behalf of the defendants?

MS. JONES: Good morning, Your Honor. Suzanne Jones with Gordon and Rees on behalf of the Lockridge Grindal defendant.

MR. SCHOOLER: Good morning, Your Honor. David Schooler with Gordon Rees representing Schwebel Goetz & Sieben.

> MR. LAFEBER: Good morning, Your Honor. Michael

Lafeber from the Taft law firm on behalf of defendants 1 2 Gustafson Gluek and Daniel Gustafson. MR. DAVIDSON: Good morning, Judge. William 3 Davidson with the Lind Jensen firm. I'm here on behalf of 4 the Bassford Remele firm and Lew Remele. 5 THE COURT: All right. Terrific. Good morning to 6 7 all. 8 All right. You should know that I've read everything. Here's how I'd like to -- well, how I think we 9 10 ought to proceed this morning. 11 Let's deal with the motion to remand first, then 12 let's go to the motion to stay, and after that I'll give the parties any opportunity that they think they need to address 13 14 the motion to dismiss. Mr. Nill and Mr. Weisensell, this is your motion 15 16 to remand. Let's hear from you first on that. 17 MR. NILL: Okay. Thank you, Your Honor. Would 18 (indicating) --THE COURT: Please. Yes, please. Thank you. 19 2.0 It's easier to hear you if you're up at the podium. 21 MR. NILL: May it please the Court, Your Honor. The motion to remand is we think the essential 22 motion that's before the Court. We take it that if you 23 grant the motion to remand, that the stay is moot and also $_{\mathbb{R},\mathbb{R}}$ 24 that the motion to dismiss would be moot. It would be $\operatorname{sen}_{\xi_S}$

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back to state court and they can bring whatever motions they want to bring there at that time if they want to assert there's indispensable parties, they want to bring cross-claims, whatever they want to do.

As far as our motion to remand, there's two issues before the Court. One issue is whether we plead -- for purposes of the Complaint -- whether we plead minimal diversity in the Complaint for the Court to have CAFA jurisdiction, Class Action Fairness Act jurisdiction. And we believe that we plead minimal diversity. We do that through the class allegations. We do that through the John Doe defendants. And of course the Court has read the pleadings, but I'll run through this.

As far as the class allegations, we pled that the putative class are residents of the state of Minnesota. The appellate courts have recognized when you plead residence, you're pleading minimal diversity. The reason is that residents are not citizens. Citizens are domiciled -- somebody who's domiciled in a state with an intent to remain there, but residents can be -- you know, it doesn't necessarily mean that they're citizens of the state, and even within this case you could have a situation where -- this scheme of events commenced back in 2015. You could already have certain farmers who are retired who were

or daughter primarily running the farm at this point and they primarily have their primary residence down in Arizona. We have neighbors in North Dakota that that's the situation,

So you could certainly have for purpose of pleading somebody that's made a claim, is one of those 9,000 Minnesota corn growers, but is currently residing in Arizona. You could have somebody who has their homestead right on the border in Iowa or North Dakota, but they're growing corn and they could be Minnesota plaintiffs, part of this 9,000 Minnesota corn growers.

So again, in our class action Complaint we pled of residence. A residence is not the same as citizens and the appellate courts recognize that residence is in fact pleading -- is showing minimal diversity for purposes of the Complaint. We also pled John Doe defendants.

And a prime example that I want to bring to the Court's attention is this Paul LLP firm. It's a Kansas City, Missouri firm. It's a firm that's in Missouri. And they are signatories — there were 12 signatories on these joint prosecution agreements and they are one of that group of 12 that are signatories on the joint prosecution agreements. They are also parties that participated in and were paid from the Minnesota Common Benefit Fund.

At the time that the **Syngenta** litigation was

There's the Minnesota pool, a class pool in Kansas, there's an Illinois pool, there's a pool for lawyers who had contingent-fee contracts, individually retained private attorney pool. The Paul LLP firm was paid from the Minnesota Common Benefit Pool. So again, for purposes of the Complaint we have pled -- we have shown minimal diversity.

Now, courts --

THE COURT: They're not a defendant, right?

MR. NILL: I'm sorry?

THE COURT: Paul LLP is not a defendant, correct?

MR. NILL: Is not a defendant, but they very well could be a defendant.

THE COURT: Are you suggesting that I'm supposed to take account of the fact that they could be a defendant?

MR. NILL: For purposes of minimal diversity for the Complaint, yes, the Court would have to take into account that they could be a defendant. That's our right for purposes of the Complaint by pleading John Doe, and we have through affirmative evidence --

THE COURT: I guess what I'm asking is, I did no understand that I could account for unnamed defendants or John Doe defendants in assessing diversity. You're suggesting I can.

MR. NILL: You can.

THE COURT: And what authority do you have for that?

MR. NILL: Well, typically -- and I addressed this on page 11 of my remand reply brief. "Typically, when analyzing removal actions based on diversity of citizenship" -- and I'm quoting right from the statute -- "the citizenship of defendants sued under fictitious names shall be disregarded." That's 28 USC Section 1441(b)(1). It think the court is alluding to that section.

However -- and I cite the Fourth Circuit -- the

Fourth Circuit recognized in the Sligh, S-l-i-g-h, case, 596

F.2d at 1171, that courts may consider facts that would

support an inference regarding the unknown defendant's

citizenship by offering affirmative evidence during the

remand litigation, because that's where we are now. We plad

John Doe in the Complaint. Now we're in the remand

litigation. We're offering this Exhibit 6 showing that is

affirmative evidence showing that this Paul LLP firm is and

very well can be a defendant in the case. Again, they're in

Missouri, so for purposes of the pleading the Complaint,

that establishes minimal diversity.

THE COURT: Let's maybe get to the -- as I understand it, the argument is you've got a federal claim, claim arising under federal law, namely RICO. But

Defendants, I think, are arguing that the exceptions that you want to rely on to obtain remand here don't apply in the context of a case removed on the basis of 1331.

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What authority do you have to apply the CAFA exception to a 1331 removal?

MR. NILL: To a removal?

THE COURT: Mm-hm.

MR. NILL: Well, again, they removed it under federal question, but they're not the exclusive arbiters of federal court jurisdiction by the Court, and we believe we have pled — through the Complaint, through the class actions and the John Doe defendants, we have pled CAFA jurisdiction. The Court has federal court jurisdiction under the civil RICO claims, but the Court also has CAFA jurisdiction, and once the Court — with an understanding that the Court has CAFA jurisdiction, then the Court has to pivot and look at the mandatory home state exception.

THE COURT: Well, except I did in -- the home state exception says that I should decline to exercise jurisdiction under paragraph 2, and paragraph 2 is essentially CAFA. It doesn't say anything about 1331. In other words, the home state exception doesn't imply -- it certainly doesn't state explicitly and it doesn't imply that it somehow would kick in if I were dealing with an "arising" under" case. That's the problem as I see it.

1 MR. NILL: So we believe for purposes of the 2 Complaint -- I mean, I set forth -- I think the argument the 3 Court is looking at here is what I refer to as our nutshell 4 argument. In a nutshell, farmers plead minimal diversity in the Complaint through the class allegations and the out-of-state John Doe defendants sufficient for the Court to 6 7 find jurisdiction, and we provide affirmative evidence in this remand litigation that in fact those residents, those ne 8 9,000 residents of Minnesota, are all in fact citizens of 9 Minnesota, which requires the Court to apply the mandatory 10 11 home state exception. THE COURT: Well, I'm not questioning any of that the state of the sta 12 13 but you also plead a federal claim. 14 MR. NILL: We plead a federal claim, but the 15 federal claim --16 THE COURT: I should say federal claims. 17 MR. NILL: The federal claim, the civil RICO 18 claim, is a claim where the state court has concurrent 350 50 19 jurisdiction. 20 THE COURT: But that doesn't -- I mean, that 21 doesn't -- the presence of concurrent jurisdiction doesn't 22 require a remand. If that required a remand, then federal 23 courts would be remanding all kinds of --24 MR. NILL: The presence of -- the Court is

correct, the presence of the civil RICO claim.

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that the state court has concurrent jurisdiction does not mean that the Court is required to remand under that issue, because that's a federal abstention issue. When the state court has concurrent jurisdiction, the federal court has — you have jurisdiction for it's a federal question. That's a mandate by the United States Congress that's saying that this Court — but there's a federal question. You have jurisdiction. But it's an abstention doctrine and the CAFA mandatory home state exception is also an abstention doctrine, and what we're saying is that when you have a case such as this where the Court has —

THE COURT: Okay. So now I'm with you there and I understand that though you're calling it a remand motion, essentially what you're asking me to do is abstain.

MR. NILL: I'm asking you to abstain.

THE COURT: Okay. And the cases that you cite for that proposition are ${\it Burford}$ abstention cases.

MR. NILL: They're abstention cases, yes.

essentially, allowing for abstention when there is some complex, comprehensive, reticulated state administrative regime that governs the matter. I don't think we have that here.

MR. NILL: I mean, that would be the case here, because -- the state court has concurrent jurisdiction, so

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you can abstain from taking up this case in federal court.
You can abstain and let it go back to the state court.

At the same time you have -- there's two directives in place here.

The first directive is U.S. Congress saying if there's a federal question, federal courts have jurisdiction.

The second directive is U.S. Congress saying that if in fact the defendants are Minnesota defendants and the plaintiffs are all -- or at least two-thirds of the plaintiffs are Minnesota citizens, the court "shall." So that's actually beyond an abstention doctrine.

Normally, CAFA is an abstention doctrine, but when you have the mandatory home state exception, the requirements for that trigger, it becomes a shall. That's a mandatory remand. The court then is required to remand.

And so under that case when you have those two directives by the U.S. Congress, the directive that prevails is the shall directive in the mandatory home state exception.

Does that answer the Court's question?

I don't think it answers the question in a way that

persuades me that the home state exception applies outside of CAFA, which is I think the sort of gap here that you've got to fill.

MR. NILL: So the Court is struggling with agreeing with us that we have pled for purposes of the Complaint, that we have pled minimal diversity.

I'm sort of casting CAFA to the side, focusing on the fact that you've sued and alleged violations of RICO, and that provides an independent basis for federal jurisdiction, and if there's federal jurisdiction, I can't ordinarily not exercise it. And you're arguing, as I understand it, that the home state exception nonetheless applies --

MR. NILL: Yes.

THE COURT: -- even in a 1331 case. And when I read the statute textually, I see that it is limited -- the home state exception is limited to CAFA-only cases, and this isn't a CAFA-only case. That's the challenge.

MR. NILL: That's where we diverge here, because we're asserting that for purposes of our pleading in the Complaint it is a CAFA case. Yes, it's a federal-question jurisdiction case, but it's also a CAFA case. We pled minimal diversity through the class allegations and through the John Doe defendants. That means then the Court has to view that through the prism of not just a federal-question jurisdiction case, but also a CAFA case. And once you agree that -- when you agree that it's a CAFA case, then you have to look at over two-thirds of the putative class plaintiffs

are citizens of the state of Minnesota. The mandatory home state exception kicks in, the shall mandate. The shall mandate because it's a federal question, because civil RICO, there's concurrent jurisdiction, the Court can abstain and send the case back to Minnesota state court. When in fact you have a mandatory home state exception, it moves beyond an abstention and actually becomes a shall mandate by the U.S. Congress.

Again, there's two directives here. There's

Again, there's two directives here. There's federal-question jurisdiction. The U.S. Congress said if there's a federal question, federal courts have jurisdiction, but the U.S. Congress has very explicitly stated that if there's a mandatory home state exception case, that the remand back to state court shall occur.

THE COURT: Well, but 1331 says "shall" too. The district court shall have jurisdiction of cases arising under the Constitution, laws, or treaties of the United States.

MR. NILL: Well, we think that when you have a specific "shall" in the mandatory home state exception, that shall becomes the governing -- I guess it's a question of which becomes the governing shall. We think that the mandatory home state exception was explicit recognition -- the shall in -- 1331 is sort of a general directive by the U.S. Congress that if there's a federal question, federal

courts have jurisdiction. We think that the shall in the mandatory home state exception in CAFA is a specific shall that would in this case override the general shall or would be sort of the more powerful shall, if you will, and requires the court to remand it back to state court. again, we cite numbers of cases, many cases, where the courts -- in federal courts remand a case that has civil RICO claims and remand it back to state court, and this is particularly true when the civil RICO claims --

THE COURT: But those were Burford --

MR. NILL: -- are intertwined with the state claims.

THE COURT: Those were Burford abstention cases, right?

> MR. NILL: Yes.

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THE COURT: Okay. And the problem there as I see it is Burford abstention requires the presence of some comprehensive, reticulated state administrative regime. And in the insurance context, like the insurance dissolution context, that happens all the time, but we don't have anything like that here that I could see in the briefing. What's the comprehensive, reticulated state administrative regime that might govern here?

MR. NILL: Well, I don't think there is -- we don't need in this particular case a comprehensive state

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regulatory regime. We have the U.S. Congress recognizing through the Class Action Fairness Act that there's some -- ... some class actions are so uniquely state class actions when you have all the defendants in one state or at least all the primary defendants in one state. When you have at least two-thirds of the putative class members are all of one state and when you have generally all Minnesota claims with the exception of the two civil RICO claims, the mandatory home state exception requires it's a "shall," that it shall go back to the state court. It doesn't involve -- it's a different line of cases than those, you know, cases you're referring to that involve a state regulatory scheme.

THE COURT: Well, I'm referring to those cases because you cited them.

MR. NILL: Well, I think they support the argument that this is a case that should be remanded back to state court. This is sort of akin to those types of cases.

THE COURT: All right. My questioning, I suspect.

Mr. Nill, has kind of put you onto maybe off the outline
that you had originally planned. If there's anything
further that you'd like to get on the record with respect
the remand motion, I certainly want to give you that
opportunity.

MR. NILL: Well, again, our arguments are in the prief. We just think that, you know, in the Complaint we

pled residence which provides minimal diversity and a class, definition, but then we're entitled to -- in a nutshell we plead minimal diversity in the Complaint, but we're entitled to present affirmative evidence in this remand litigation that these 9,000 corn growers, at least two-thirds of them, are Minnesota citizens.

and I just pulled off about three or four just in the last year here cases by federal courts where they address the mandatory home state exception and when they're looking at -- you can have a case where there's like a Visa credit card lawsuit or something and it's a little more difficult to decide whether the residents are actually citizens of a particular state. And sometimes the courts have supplemental briefing on that or discovery.

Minnesota corn growers. There might be a few that are retired in Arizona and there might be a few who actually their homestead is right across the border in North Dakota or Iowa, but it's more probable than not that these corn growers are Minnesota citizens. The corn growers, farmers, they have homesteads, they have land investments. They're not moving from one state to another just, you know, on a whim going to a different apartment here or a different apartment there.

1 It's more probable than not that two-thirds of 2 these Minnesota corn growers, Minnesota citizens -- the 3 defendants come in this remand litigation and they assert --4 again, we asserted one thing in our Complaint. They assert 5 in the remand litigation, they clarify, basically, that all 6 9,000 of these Minnesota corn growers, these putative class 7 plaintiffs, that all 9,000 Minnesota citizens, and how do we 8 know that? Because they claim there's no minimal diversity. 9 Well, of course logically, if they're claiming there's no 10 minimal diversity, what they're saying is -- these are their 11 clients and they have the documents for these clients, so 12 they're acknowledging that all 9,000, or at least two-thirds of 13 of these, which is the requirement, they're basically saying 14 all 9,000 of these are Minnesota corn growers. 15 So I guess that's -- if the Court has any other 16 questions. 1.

THE COURT: I do not.

MR. NILL: Okay. Thank you, Your Honor.

THE COURT: Thank you, Mr. Nill.

Counsel?

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MS. JONES: Good morning, Your Honor. Again,
Suzanne Jones on behalf of all defendants on this particular
motion, actually all three motions.

Your Honor very correctly pointed out the plain language of the home state exception under 1332(d)(4), which

of course is the diversity jurisdiction statute, and that expressly limits the home state exception and the local exceptions to jurisdiction under paragraph 2, which of course is CAFA jurisdiction.

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Now, here the defendants properly removed this lawsuit based on federal-question jurisdiction under 1331 as a result of the two RICO claims pled in Counts II and III of the Complaint. And the CAFA jurisdiction discussion and exceptions under 1332 really have absolutely no bearing on or relevance to federal-question jurisdiction, which is what this Court has.

There is case law that directly addresses this issue and that is a case called *Blevins*, and it's 849 F.3dor 1016 from the Eleventh Circuit, and they analyze the issue and concluded that the 1332(d)(4) exceptions do not affect federal-question jurisdiction. And the reasoning there --at and I think it's absolutely right -- is otherwise, state courts would essentially have exclusive jurisdiction over local federal question class actions. There's another case from the District of Utah called *Ogden Regional Airport*, which is 2022 WL 103792, which reaches the same conclusion, Your Honor.

With this Court having federal-question
jurisdiction, I think the Court has already recognized that
the Court generally then has no discretion to remand a claim

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within this circuit, the Eighth Circuit, in the Gaming Corp.

of America vs. Dorsey & Whitney, 88 F.3d 536.

With respect to the just general argument that federal abstention is somehow required under RICO claims just because a state court has concurrent jurisdiction, that is the opposite of what the case law actually says.

Again, Tafflin, which is a case cited to and relied on repeatedly by the plaintiffs in support of that issue, really solely addressed the issue of concurrent state-court jurisdiction for RICO claims. It was not within the context of removal or federal jurisdiction based on federal question there.

And there are cases that we cite to in our brief including the <code>Emrich</code> case and the <code>Corpe</code> case, that stands for the proposition that just because a state court has concurrent jurisdiction over federal RICO claims under in <code>Tafflin</code>, it does not preclude removal of those claims to federal court just as we did here and does not divest the federal court from federal-question jurisdiction. And in fact, within RICO Congress did not prohibit the removal of RICO claims or divest the federal courts of jurisdiction in that federal legislation which it has in other federal laws.

So it's our conclusion, Your Honor, that this Court absolutely has proper jurisdiction over this matter

based on federal-question jurisdiction under 1331 and that the motion to remand is properly denied as a matter of law.

Would Your Honor like me to now address the stay?

THE COURT: No.

MS. JONES: Okay.

THE COURT: Let's give Mr. Nill an opportunity to rebut and then we'll turn to the motion to stay after the motion to remand has been fully heard.

MS. JONES: Thank you.

THE COURT: Mr. Nill, anything in rebuttal?

MR. NILL: Actually, not really. I think again our pleadings are plain. I think that they -- some of the cases that they cite, if you actually read the cases, sometimes they're not entirely accurate with the way they're presenting the cases.

We think that this is a case -- courts very frequently -- the U.S. Supreme Court has recognized that civil RICO claims, that state courts have jurisdiction.

It's the federal abstention doctrine. The federal court can abstain and send those cases back to state court. Numerous courts have done that, particularly when the claims are intertwined with the state court claims, such as the fraud, the breach of fiduciary duty, the ethics sort of breaches that occurred in this case. And again, we have -- we pled minimal diversity. Particularly, we've pleaf

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minimal diversity through the class allegations and through the John Doe defendants. So the Court has CAFA jurisdiction.

Then you pivot to the mandatory home state exception and we believe that the Court -- the shall mandate, the directive by the U.S. Congress, the shall mandate is the overriding mandate here, that the Court should send this case back to state court where they have concurrent jurisdiction over the civil RICO claim.

Thank you, Your Honor.

THE COURT: Thank you, Mr. Nill.

read the Complaint cover to cover along with the briefing on the motion to remand and the briefing on the other motions as well. All of that thoroughly informed me regarding what is going on with respect to the remand motion and I am prepared to rule from the bench and deny the motion.

I'll explain the reasons for that decision on the zerord here this morning. This will be the only place where that explanation appears, so if it's something that you'd like to obtain, you'll need to order a transcript.

The Minnesota firms removed the case here on the basis of federal-question jurisdiction. See their notice of removal at paragraphs 7 through 10.

The Complaint asserts two federal causes of

action. Those are the RICO claims in Counts II and III.

The other claims, as far as I can tell, arise from a common nucleus of operative fact, namely the alleged exclusion of the Minnesota farmers from the *Syngenta* class, so there's supplemental jurisdiction over those claims.

The farmers argue that the mandatory home state exception in CAFA requires the case to be heard in state court. That statute requires district courts to decline jurisdiction where --- quoting here -- "two-thirds or more of the members of all proposed plaintiff classes in the aggregate and the primary defendants are citizens of the state in which the action was originally filed."

This provision as I've indicated through my questioning I read to apply only to CAFA jurisdiction, that is, when there is minimal diversity and the amount in controversy exceeds \$5 million. The statute does not require declining jurisdiction in federal question cases.

Indeed, the statute that the farmers rely on,

1332(d)(4)(B), explicitly restricts itself to a subset of

diversity cases and is not relevant to federal-question

jurisdiction. Now, the farmers elide that critical language

when they quote the statute at page 16 of their brief.

Without the missing language the statute reads: "A district

court shall decline to exercise jurisdiction under paragraph

2," and paragraph 2 describes CAFA jurisdiction. So I don't

read that exception to apply in "arising under" cases, and here, as I indicated, there is a federal question.

The alternative construction of the farmers' argument is that though there is federal jurisdiction, the Court should nevertheless abstain. I inferred this from the briefing and Mr. Nill mentioned it explicitly here today.

Tafflin held that state courts have concurrent jurisdiction over federal RICO claims. It affirmed -- and Tafflin is

T-A-F-F-L-I-N. It affirmed a lower court's Burford-grounded abstention because the RICO action there was intertwined with Maryland's comprehensive scheme for the rehabilitation and liquidation of insolvent state-chartered savings and loan associations.

Here, Minnesota has no unified method for the formation of policy and determination of attorney-fee forfeiture suits such that review in state court would be expeditious and adequate in the sense that <code>Burford</code> describes, so I find that <code>Burford</code> abstention does not apply here.

Plaintiffs rely on other cases to support the abstention argument, but none really fit. In *Metro Ford*Truck Sales, which is the Fifth Circuit case, the court affirmed a remand where the only remaining federal claim was the RICO claim by a defendant against a third party, not any claim in the original Complaint, so under the well-pleaded

In *Villagordoa Bernal*, which is the Central

District of California case, the court remanded a RICO claim
where the defendants had removed in an untimely manner. We
don't have anything like that here.

And in Holland, the Northern District of Alabama Case, the court applied an outdated version of the removal statute to abstain from hearing a RICO claim that it described as so intertwined with and so indistinguishable from the state-law claims as to be very difficult if not impossible to treat separately. Not only was the statute amended to strike the operative language the court relied there, but Holland itself was overruled by the Eleventh Circuit. See In Re City of Mobile, 75 F.3d 605, at 608.

There is one other point the farmers raise in their reply brief. The Minnesota firms filed their opposition brief four days late.

Accepting that as true, the farmers claim that the late filing prejudiced their ability to amend the Complaint by right under Rule 15. They had 21 days to amend after the Minnesota firms filed their motion to dismiss. They filed their Rule 12(b)(7) motion on September 23rd, so their 21 days were up October 14th.

The farmers argue that if the Minnesota firms filed their opposition by October 11, they would have had

1 that is, the farmers would have had -- several days to amend as of right and fix any deficiencies in the Complaint. The 3 problem as I see it is the farmers haven't shown prejudice 4 there because they haven't tried to amend and they haven't 5 identified any amendments that they would make to cure the 6 remand-relevant questions. 7 So for all of those reasons, then, the remand 8 motion will be denied. 9 10 [End of excerpt transcript] 11 12 I F ICAT E 13

I, TIMOTHY J. WILLETTE, Official Court Reporter for the United States District Court, do hereby certify that the foregoing pages are a true and accurate transcription of my shorthand notes, taken in the aforementioned matter, to the best of my skill and ability.

/s/ Timothy J. Willette

TIMOTHY J. WILLETTE, RDR, CRR, CRC
Official Court Reporter - U.S. District Court
Warren E. Burger Federal Building & U.S. Courthouse
316 North Robert Street - Suite 146
St. Paul, Minnesota 55101
651.848.1224

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